

# Justice Court, Henderson Township

## CLARK COUNTY, NEVADA

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Plaintiff,

– vs –

CASE NO. \_\_\_\_\_

DEPT. NO. \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Defendant.

### WRIT OF GARNISHMENT

#### THE STATE OF NEVADA TO:

\_\_\_\_\_ Garnishee

You are hereby notified that you are attached as garnishee in the above entitled action and you are commanded not to pay any debt due from yourself to \_\_\_\_\_

\_\_\_\_\_ (defendants)

and that you must retain possession and control of all personal property, money, credits, debts, effects and choses in action of said defendant(s) in order that the same may be dealt with according to law; where such property consists of wages, salaries, commissions or bonuses the amount you shall retain shall be in accordance with 15 U.S. Code 1673 and Nevada Revised Statutes 31.295; Plaintiff believes that you have property, money, credits, debts, effects and choses in action in your hands and under your custody and control belonging to said defendant(s) described as: \_\_\_\_\_

**YOU ARE REQUIRED TO** forward all monies due or owing in your possession or under your control for wages, salaries, commissions, bonuses or other reasons belonging to the defendant(s) named in this Writ of Garnishment, subject to the exemptions indicated above, to the Henderson Constable at the address below .

**YOU ARE REQUIRED** within **20** days from the date of service of this Writ of Garnishment to **answer the interrogatories** set forth herein and to return your answers to the officer of the Constable which has issued this Writ of Garnishment. Your failure to answer the interrogatories within 20 days, a Judgment by Default in the amount due the Plaintiff may be entered against you.

**IF YOUR ANSWERS TO** the Interrogatories indicate that you are the employer of the defendant(s), this Writ of Garnishment shall be deemed to **continue for 180 days** or until the amount demanded in the attached Writ of Execution is satisfied.

**YOU ARE FURTHER DIRECTED** to forward all funds due to the defendant(s) each payday in the future, **up to 180 days**, less any amount which is exempt and less \$3.00 per pay period not to exceed \$12.00 per month which you may retain as a fee for compliance. The \$3.00 fee does not apply to the first pay period covered by this Writ.

**YOU ARE FURTHER REQUIRED** to serve a copy of your answers to the Writ of Garnishment on Plaintiff's attorney, if any, whose address appears below.

Issued at the direction of:

**CONSTABLE - HENDERSON TOWNSHIP**

\_\_\_\_\_  
**ATTORNEY FOR PLAINTIFF**

By: \_\_\_\_\_

**Constable/Deputy Constable**

**Date**

\_\_\_\_\_  
Address

Please furnish a statement and Case #.

MAKE CHECK PAYABLE TO: HENDERSON CONSTABLE  
AND MAIL TO: 243 WATER STREET  
HENDERSON, NEVADA 89015

COUNTY OF CLARK )

disposable earnings from line 3 if the employee's gross weekly salary or wage on the date the most recent writ of garnishment was issued exceeded \$770.

By: \_\_\_\_\_

Constable / Deputy Constable

**INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE UNDER OATH**

1. Are you in any manner indebted to the defendant(s) \_\_\_\_\_ or either of them, either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars.

2. Are you an employer of one or all of the defendants? If so, state the length of your pay period and the amount of disposable earnings, as defined by NRS 31.295, that each defendant presently earns during a pay period. State the minimum amount of disposable earnings that is exempt from this garnishment, which is the federal minimum hourly wage prescribed by section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. section §§ 201 et seq., in effect at the time the earnings are payable multiplied by 50 for each week of the pay period, after deducting any amount required by law to be withheld.

Calculate the attachable amount as follows:

Check one of the following: The employee is paid: [A] Weekly \_\_\_\_\_ [B] Biweekly \_\_\_\_\_ [C] Semimonthly \_\_\_\_\_ [D] Monthly \_\_\_\_\_

- (5) Multiple line 4 by 50 \$\_\_\_\_\_

- (6) Complete the following directions in accordance with the letter selected above:

- [A] Multiple line 5 by 1 \$\_\_\_\_\_

- [B] Multiple line 5 by 2 \$\_\_\_\_\_

- [C] Multiple line 5 by 52 then divide by 24 \$\_\_\_\_\_

- [D] Multiple line 5 by 52 then divide by 12      \$\_\_\_\_\_

- (7) Subtract line 6 from line 3 \$ \_\_\_\_\_

This is the attachable earnings. This amount must not exceed 18% of the disposable earnings from line 3 if the employee's gross weekly salary or wage on the date the most recent writ of garnishment was issued was \$770 or less, or 25% of the disposable earnings from line 3 if the employee's gross weekly salary or wage on the date the most recent writ of garnishment was issued exceeded \$770.

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What is the gross weekly salary or wage of the employee? The gross weekly salary or wage of an employee must be determined as follows:

1. Except as otherwise provided in numbers 2 and 3 below, by dividing the employee's gross earnings for the current calendar year as of the date the most recent writ of garnishment was issued by the total number of weeks the employee has worked in the current calendar year.
2. If the most recent writ of garnishment was issued at the beginning of the current calendar year before the employee received any earnings in the current calendar year, but the employee received earnings in the previous calendar year, by dividing the employee's gross earnings for the previous calendar year by the total number of weeks the employee worked in the previous calendar year.
3. If the employee has not been employed long enough to have been paid as of the date the most recent writ of garnishment was issued, or if the provisions of number 1 or 2 above do not otherwise apply, the gross weekly salary or wage of the employee is the anticipated gross weekly earnings of the employee as determined by his or her employer.

For the purpose of determining the total number of weeks the employee has worked in the current calendar year or the total number of weeks the employee worked in the previous calendar year, as applicable, if the total number of weeks is not exact, the number must be rounded down if the number of days the employee was on the payroll of his or her employer in excess of a whole week is 3 days or less, and rounded up if the number of days the employee was on the – 25 – - 79th Session (2017) payroll of his or her employer in excess of a whole week is 4 days or more.

ANSWER \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Did you have in your possession, in your charge or under your control, on the date of the **WRIT OF GARNISHMENT** was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the defendant(s) or either of them, or in which defendant(s) is (are) interested? If so, state in fully its value and state full all particulars.

ANSWER \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Do you know of any debts owing to the defendant(s), whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to the defendant(s) or either of them, or in which defendant(s) is (are) interested, and now in the possession or under the control of others? If so state particulars.

ANSWER \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in section 3 of this act, \$2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in section 4 of this act or, if no such deposit has been made, \$400 or the entire amount in the account, whichever is less, is not subject to garnishment, unless the garnishment is for the recovery of money owed for the support of any person. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

ANSWER \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. State your correct name and address, or the name and address of your attorney upon whom written notice of further proceedings in this action may be served.

ANSWER \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, declare under penalty of perjury that the answers to the foregoing interrogatories subscribed by me are true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Garnishee – Affiant

\_\_\_\_\_  
Garnishee Company Name

**NOTE:** Under NRS 31.297, If an employer, without legal justification, refuses to withhold the earnings of a defendant in a **WRIT OF GARNISHMENT** or knowingly misrepresents the earnings of the defendant, the court may order the employer to appear and show cause why the employer should not be subjected to the following penalties:

- (1) If the plaintiff has received a judgment against the defendant, an order to the employer to pay the plaintiff the amount of arrearages caused by the employer's refusal to withhold or his misrepresentation of the defendant's earnings.
- (2) In addition, the court may order the employer to pay the plaintiff punitive damages **in an amount not to exceed \$1,000** for each pay period in which the employer has, without legal justification, refused to withhold the defendant's earnings or has misrepresented the earnings.